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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,
12
13 Plaintiff,
14 v.
15 GABRIEL MEDINA-MORALES
16 Defendant.

Case No.: CR 09-00425-RMW

**STIPULATION TO CONTINUE
HEARING AND EXCLUDE TIME;
[] ORDER**

Honorable Ronald M. Whyte

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18 Defendant and the government, through their respective counsel, hereby stipulate that, subject
19 to the court's approval, the hearing in the above-captioned matter, presently scheduled for Monday,
20 January 4, 2010, at 9:00 a.m., be continued to Monday, January 25, 2010, at 9:00 a.m. The
21 continuance is requested because government counsel, Steven Seitz, will be out of town, government
22 counsel requires additional time to consider and prepare a possible plea agreement, and the defense
23 will require time to review it with Mr. Medina.

24 The parties further agree that time should be excluded under the Speedy Trial Act because the
25 ends of justice served by granting the requested continuance outweigh the interest of the public and
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STIP. TO CONTINUE;
[] ORDER
No. CR 09-00425-RMW

the defendant in a speedy trial. The failure to grant the requested continuance would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The parties therefore stipulate that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

Dated: 12/22/09

/s/
LARA S. VINNARD
Assistant Federal Public Defender

Dated: 12/22/09

/s/
JOE FAZIOLI
Assistant United States Attorney

[] ORDER

The parties have jointly requested a continuance of the hearing set for Monday, January 4, 2010, to allow time for effective defense preparation.

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently set for Monday, January 4, 2010, be continued to Monday, January 25, 2010, at 9:00 a.m.

Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded under the Speedy Trial Act from January 4, 2010, to January 25, 2010. The Court finds, based on the aforementioned reasons, that the ends of justice served by granting the requested continuance outweigh the interest of the public and the defendant in a speedy trial. The failure to grant the requested continuance would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

Dated: 12/23/09


RONALD M. WHYTE
United States District Judge